

Notice of Allowability	Application No.	Applicant(s)	
	10/759,151	GERMAIN ET AL.	
	Examiner Zeev Kitov	Art Unit 2836	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 02/21/06.
2. The allowed claim(s) is/are 1 - 6.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Examiner acknowledges a submission of the amendment and arguments filed on February 21, 2006. Claims 1 - 4 and 6 are amended. Amendment and arguments have overcome rejections under 102 (b) and 103(a).

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

An amended independent Claim 1 discloses a circuit interrupter, which inter alia, includes a circuit interruption portion comprising a solenoid pivotally supported by a flexible support member and a reset actuator disposed at least partially within the housing which, when depressed causes the solenoid to pivot about the flexible support member to close test contacts. The closest references to the claim are DiSalvo and Eadie (US 3,042,840). DiSalvo discloses some elements of the claim including a phase conducting path disposed at least partially within the housing between a line side and a load side, the phase conductive path terminating at a first connection capable of being electrically connected to a source of electricity, a second connection capable of conducting electricity to at least one load and a third connection capable of conducting electricity to at least one user accessible load; a circuit interrupting portion disposed within the housing and configured to cause electrical discontinuity in the phase path between the line and the load side upon occurrence of a predetermined condition; and switch means disposed at least partially within the housing to initiate a test to determine if the predetermined condition is present, and to provide electrical continuity in the

phase conductive path between the line side and the load side if the test determined that a second predetermined condition is not present; and a trip portion configured to cause electrical discontinuity in the phase and neutral conductive paths between the line side and the load side.

However, DiSalvo does not disclose a solenoid pivotally supported by a flexible support member and a reset actuator causing the solenoid to pivot about the flexible support member to close test contacts.

Another reference, Eadie, discloses an instrument type relay having a solenoid (10 in Fig. 1) pivotally supported by a flexible member (spring shown in Fig. 1) and adapted to pivot about the flexible support (spring). However, it does not disclose the reset actuator causing pivotal movement of the solenoid. In DiSalvo system the contact arm is engaged in a linear movement thus ensuring a release of the latch member; it makes these two systems incompatible. Since the Eadie relay is designed for use in the linear control systems, wherein a linearity of movement is important, there is no motivation to use such relay as a circuit interrupter, and accordingly, there is no motivation for combining these references together.

Another independent Claim 6 includes the same limitation as recited above.

Allowability resides, at least in part, in the above-described limitations, which has not been disclosed in the Prior Art in a search.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose telephone number is (571) 272-2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272 – 2800, Ext. 36. The fax phone number for organization where this application or proceedings is assigned is (571) 273-8300 for all communications.

Z.K.
07/03/2006


7-5-06

STEPHEN W. JACKSON
PRIMARY EXAMINER